## IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS BROWNSVILLE DIVISION

ANA MURILLO	§	
Plaintiff	§	
VS.	§	CIVIL ACTION NO. 1:16-CV-00049
	§	JURY REQUESTED
RELIANCE STANDARD LIFE	§	
INSURANCE COMPANY; DENISE	§	
PHILLIPS; AMERICAN FAMILY LIFE	§	
INSURANCE	8	
Defendants	§	

## DECLARATION OF JENNIFER JETER

- 1. "I, <u>Jennifer Jeter</u>, am over 18 years of age, have never been convicted of a felony or a crime of moral turpitude and am competent to testify. The factual statements in this affidavit are based on my personal knowledge and if called to testify thereto, I could and would competently do so.
- 2. I am employed by American Family Life Assurance Company of Columbus ("AFLAC"), and I have knowledge of the circumstances of the creation and maintenance of certain of AFLAC's business records, as described in this Declaration.
- 3. Attached hereto as Exhibit "A-1" to this Declaration is a true and correct copy of the AFLAC "New Accounts Set-up" information document by which AFLAC and Spanish Meadows Nursing Home documented their agreement to have AFLAC provide available insurance coverages to Spanish Meadows employees. As can be seen in the document, Spanish Meadows elected not to authorize disability coverage to be included as part of the original agreement (page 2 of 5). As can also be seen in the document, Spanish Meadows elected to have employees be eligible to obtain coverage under the Spanish Meadows "cafeteria" benefits plan on the first day of the month following 90 days of employment, and elected to have the following

benefits only included in the plan: intensive care, accident, cancer, hospital indemnity, dental, specified health event, and personal sickness indemnity coverages.

- 4. Exhibit "A-1" is a document which is a type of record kept by AFLAC in the ordinary course of its business; and it was in the regular course of business that an AFLAC employee or representative, with knowledge of the act, event, condition or opinion in the record recorded or transmitted information thereof to be included in the record; and the record was made at or near the time or reasonably soon thereafter. ALFAC maintains either originals or exact duplicates of the originals, and the copy attached as Exhibit "A-1" is an exact duplicates of the original.
- 5. Attached hereto as Exhibit "A-2" to this Declaration is a true and correct copy of the revised AFLAC "General Accounts" information document by which AFLAC and Spanish Meadows Nursing Home documented the decision by Spanish Meadows to revise the coverages to be offered by AFLAC to include disability coverages as of approximately November 22, 2006.
- 6. Exhibit "A-2" is a document which is a type of record kept by AFLAC in the ordinary course of its business; and it was in the regular course of business that an AFLAC employee or representative, with knowledge of the act, event, condition or opinion in the record recorded or transmitted information thereof to be included in the record; and the record was made at or near the time or reasonably soon thereafter. ALFAC maintains either originals or exact duplicates of the originals, and the copy attached as Exhibit "A-2" is an exact duplicates of the original.
- 7. Attached hereto as Exhibit "A-3" to this Declaration is a true and correct copy of the telephone call record documenting telephone calls made by and between Plaintiff and representatives of AFLAC regarding Policy PH649976. As can be seen in the document, an

Declaration Page 2

AFLAC representative advised Plaintiff by telephone on July 30, 2015 of the number, date and type of coverage offered by her policy, including that it was an individual only policy.

- 8. Exhibit "A-3" is a document which is a type of record kept by AFLAC in the ordinary course of its business; and it was in the regular course of business that an AFLAC employee or representative, with knowledge of the act, event, condition or opinion in the record recorded or transmitted information thereof to be included in the record; and the record was made at or near the time or reasonably soon thereafter. ALFAC maintains either originals or exact duplicates of the originals, and the copy attached as Exhibit "A-3" is an exact duplicates of the original."
- 9. Attached hereto as Exhibit "A-4" to this Declaration is a true and correct copy of the telephone call record documenting telephone calls made by and between Plaintiff and representatives of AFLAC regarding Policy PW960794, and a true and correct copy of a letter sent to Plaintiff by AFLAC regarding Policy PW960794. As can be seen in the documents, AFLAC responded to Plaintiff's claim for benefits arising from the death of her husband by explaining that Policy PW960794 was issued solely to cover individual Plaintiff Ana Murillo and did not cover Plaintiff.
- 10. Exhibit "A-4" is a document which is a type of record kept by AFLAC in the ordinary course of its business; and it was in the regular course of business that an AFLAC employee or representative, with knowledge of the act, event, condition or opinion in the record recorded or transmitted information thereof to be included in the record; and the record was made at or near the time or reasonably soon thereafter. ALFAC maintains either originals or exact duplicates of the originals, and the copy attached as Exhibit "A-4" is an exact duplicates of the original.

Declaration Page 3

11. Thus, as set out in AFLAC's docu	ments, AFLAC denied Plaintiff's claims under
Policies PH649976 and PW960794 because those	e policies covered only individual Plaintiff Ana
Murillo and not her deceased spouse."	÷
I declare under penalty of perjury that the factorial day of, 2017.	Foregoing is true and correct. Executed on the _
	[Signature above]
	[Printed Name]
· .	

Declaration

11. Thus, as set out in AFLAC's documents, AFLAC denied Plaintiff's claims under Policies PH649976 and PW960794 because those policies covered only individual Plaintiff Ana Murillo and not her deceased spouse."

I declare under penalty of perjury that the foregoing is true and correct. Executed on the 2<sup>nd</sup> day of February, 2017.

Signature above]

Jennifer Jeter

[Printed Name]



## AIM

# ◆ Fax Memorandum ◆

Worldwide Headquarters ◆ 1932 Wynnton Road ◆ Columbus, GA 31999

**New Accounts Set-up** TO: AFLAC COMPANY: **New Business** DEPARTMENT: FAX NUMBER: Meadows Group Name Spanish SUBJECT: Group Number # Associates Name FROM: Writing # Fax# Phone # Date: Page 1 of Urgent For your Reply ASAP П Please comment review Please check the box below that indicate the form(s) attached to the fax cover sheet. Please include all pages of the forms when submitting. Thanks. Message: M0138 - New Account Authorization M0135-R - New Account Authorization M0486 -**Authorization to Include Disability** S0200 -Adding Benefits Mid-Year Letter from Account on Letterhead

661-9947

Payroll Account Acknowledgement

All applicable sections must be completed for processing.

### INSTRUCTIONS

- The Authorization and Signatures must be completed for ALL accounts.
- Accounts establishing or modifying a caleteria plan with FLEX ONE<sup>®</sup> must complete applicable sections of page 3.
- Accounts with another carrier's caleteria plan must complete section 8 on page 4.
- Accounts adding AFLAC benefits to another carrier's cafeteria plan mid-year must complete section 8 on page 4.
- Fax completed form to 1-866-AFL-NASA (1-866-235-6272).

## 1. GENERAL ACCOUNT INFORMATION

M New AFLAC Payroll Account C Changes to an existing AFLAC Payroll Account	Group Number:
Name of Account: SPANISH MEADOWS.	NERSING HOME
Type of Business: NURSING HOME	Tax ID Number: 20-01/87/5
Industry Classification (contact StC Team for correct classification): D A	
Affiliate/Subsidiary of (if applicable):  Mailing Address: <u>440 E おり8まれれて</u>	
City: BROWNSUITE	State: TX ZIP: 78520
Location Address: Æ{check if same as mailing address (P.O. Box not ac	ceptable)]
Citv:	State: 7ID:
City:	822 Total No. of Employage: 132
Total No. of 1099 Workers:Total No. of W-2 Employees: 13	
	olf rates must be submitted to WWHQ prior to writing the business.
Account Website Address (if applicable);	
kccount Website Address (if applicable): Enrollment Period: Will the enrollment period exceed 90 days? 🗆 Yes 🖽	
Account Website Address (if applicable): Enrollment Period: Will the enrollment period exceed 90 days? ロYes 点f What is the length of the enrollment period? <u> </u>	
Account Website Address (if applicable):  Enrollment Period: Will the enrollment period exceed 90 days? □Yes   What is the length of the enrollment period?   \$\frac{30}{20}\$  s there an established New York Account? □Yes   \$\frac{11}{20}\$ No  1 "Yes", provide name and group number:	No If so, has this been approved by marketing? □Yes □No

2. INFORMATION CONCERNING TAX STATUS OF DISABILITY INSURANCE BENEFIT PAYMENTS

If disability coverage is funded by employer contributions, pre-tax employee contributions, or a combination of these two, then the disability benefits an employee receives upon becoming disabled will be includible in the employee's income and are fully taxable when paid. In addition, FICA taxes must be withheld and paid on all such benefits during the first 6 months after the disability. Where, as noted below, coverage is funded by employer contributions or employee pre-tax contributions, AFLAC will notify the employer of the amount of disability benefits paid from which the employee's portion of FICA taxes is withheld and will deposit such taxes with the government as required by the immenal Revenue Code. The employer will be required to submit the employer's portion of applicable FICA and FUTA taxes and report the benefit payments on its Form 941 and the employee's Form W-2.

penent payments on its Form 941 and the employee's Form W-2.	
Employer authorizes disability coverage to be included as part of this   Authorized disability coverage types:   Accident/Disability   Short Term	agreement: 🗆 Yes Mo (Base Accident Only) Disability 🗆 Off-the-job
* Authorized Hiders: ### ################################	Fishinger Fishinger
Will any portion of disability premiums be funded by employer contril	outions? 🔲 Yes CiNo
If yes, please provide percent: % or flat dollar amount: \$	
Will any portion of disability premiums be funded by pre-tax employed	ocontributions? 🗆 Ves 🖽No
This Employer is a government employer exempt from FICA or exemp	it from a portion of FICA.: DI Yes DiNo
Employees of this Employer are eligible for RATA (Reilroad Retirement	ntTax): □Yes □Nο
NOTE: Disability caused by or under certain circumstances will not be covered. Refer to se	ich policy to determine specific coverage, exclusions and limitations.

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American Family Life Assurance Company of Columbus (AFLAC)

Worldwide Headquarters: 1932 Wynnton Road - Columbus, Georgia 31999 - 1-800-99-AFLAC (1-800-992-3522)



Account Name: SPANISH MEADOWS NUESING HOME  Writing No.: Y6285
Tex ID: 20-0(187/5 Group No.: Writing No.: YCX85
Please consult with Employer's payroll contact to ensure accurate completion of Page 2.
3. BILLING CONTACT INFORMATION
Contact for Billing Inquiries: I Mr. MMs. MARCE EZEQUIEL
Contact for Billing Inquiries:   Mr. Ms. FINDLE CLEON OF EXECUTE 2  Billing Contact Phone: 950 546 - 7378 Ext.: 302 Fax (if applicable): 956 546 - 856 2
Billing Contact E-mail:
NOTE: AFLAC will contact the Billing Inquiries designee to review billing information.
4. <u>DEDUCTION AND BILLING INFORMATION</u>
Initial Deduction: When will premium deductions begin?
Date of first deduction: 10 105 Date of second deduction:
Invoice Due Date: Would you like your first AFLAC invoice to be due on the 1st or the 15th of the month? 🗀 " 🗷 55"
Deduction Pay Periods: During the year, how many pay periods will include premium deductions?
Number of annual deduction pay periods:
Billing Frequency: How often would you like to receive your invoice from AFLAC?
Monthly - For accounts with 12, 24 or 48 deduction pay periods indicated above (12 invoices)  DE28 Day Biweekly - For accounts with 13, 26 or 52 deduction pay periods indicated above (13 invoices)
□ 10 Month (10 invoices) □ 9 Month (8 invoices) □ 8 Month (8 invoices) □ 8 Month (8 invoices) For 8, 9 or 10 month, indicate months when no deductions will be made: □Jan□Feb□Mar□Apr□May□Jun□Jul□Aug□Sep□Oct□Nov□Dec
□Quarterly (4 Invoices) □ Semi-annually (2 invoices) □ Annually (1 invoice) For Quarterly, Semi-annually and Annually, initial premiums must be submitted with applications.
Billing Preference: Would you like to receive your Involce artiff paper or through□ Internet billing.
Employer Contributions: Does the employer pay any portion of this benefit? DYes XNo
If yes, please provide percent: % OR flat dollar amount: \$
5. BILLING FORMAT
In what order would you like your employees listed on your bill? It more than one is checked, please number your choices according to priority.
EXAMPLE: to request a bill with employees listed alphabetically under their department numbers, you would mark:  Alphabetic 2 B Dept. No. 1 D SSN OR Emp. No
MAIphabetic Department No DSocial Security No. OR Employee No

ACCOUNT NAME: SPANISH MEADOWS NURSING HOME
Tax ID: 20-011 8715 Group No.: Writing No.: 16285
Please consult with Employer's cafeteria plan contact to ensure accurate completion of Page 3.
6. FLEX ONE <sup>®</sup> CAFETERIA PLAN: □ New FLEX ONE <sup>®</sup> Plan □ FLEX ONE <sup>®</sup> Plan Change Request □ Requesting additional payroll account number for existing FLEX ONE <sup>®</sup> □ Plan/Company Name: and Tax ID:
Plan Type: What type of FLEX ONE® Plan will this be? (Flexible Spending Account = FSA)    Premium Only - no FSAs   Self Administered - has FSAs: Employer armesses FSA claims   Full - has FSAs: FLEX ONE® processes FSA claims   Plan Year; What are the dates of this plan? Plan Start Date:
7. FLEXIBLE SPENDING ACCOUNT (FSA) INFORMATION - Not applicable to Premium Only Plans
FSA Type Which types of FSAs will be included in this caleteria plan? (complete for both Self Administered and Full Plans)  II § 105 Unreimbursed Medical Expense Annual maximum per participant requested by Employer: \$  II § 129 Dependent Childcare Annual maximum per participant cannot exceed \$5000 by law.  Complete Account Type only if "Full Plan" is selected in Section 6.
Account Type if you selected the FLEX ONE® Option, you must establish an account from which FLEX ONE® will draw funds for claims payments.  □ Local Account - you establish a local bank account against which FLEX ONE® is authorized to write checks for the sole purpose of paying participant claims. With this option, reimbursements can be issued within 2-3 business days.  □ ACH Dobit - you authorize FLEX ONE® to initiate funds transfers from a specified bank account for the sole purpose of paying participant claims. With this option, reimbursements can be issued within 5-7 business days.  □ CB&T Account - you establish an account at Columbus Bank & Trust against which FLEX ONE® is authorized to write checks for the sole purpose of paying participant claims.  With this option, reimbursements can be issued within 10-14 business days.  □ Wire - Upon notification by FLEX ONE®, you wire funds for the amount of reimbursement payments to FLEX ONE® for distribution to participants. FLEX ONE® is authorized to write checks and to initiate direct deposits to participants for the sole purpose of paying claims. With this option, reimbursements can be issued within 8-10 business days.*  □ Check - Upon notification by FLEX ONE®, you mail a check for the amount of reimbursement payments to FLEX ONE® for distribution to participants. FLEX ONE® is authorized to write checks and to initiate direct deposits to participants for the sole purpose of paying claims. With this option, reimbursements can be issued within 14-21 days.*  □ Self-Pay- Upon notification by FLEX ONE®, you issue reimbursement checks to participants. Pleimbursements are issued according to your timeframe because you are responsible for disbursement. Oirect Daposit is not available through FLEX ONE® with this payment option.
"Please note that the timeframe for the issuance of reimbursemonis is subject to the processing achedule chosen by the employer and the employer's response time for funding payment amounts.

~ <u></u>	··········			
Account Name:	SPANISH	MEADOWS	NURSING	HOME
Tax ID:	0118715	Group No.:		46285
		ria pian contact to ensure		f Section 8.
8. OTHER CARE	IER'S (non-FLEX C	NE <sup>6</sup> ) CAFETERIA PLA	NUNFORMATION	
The same of the sa		.,		
		_//		
		complete ONLY if adding ber		
Effective Start Date of	Additional Benefits:		_ Effective End Date:	/
Benefits (list of new bo	enefits to be added):			79
		V		
	7+ 11/4 · 4 · 4/4/17		· · · · · · · · · · · · · · · · · · ·	
9. AUTHORIZAT	<u>ION AND SIGNATU</u>	<u>RES</u>		
<b>EMPLOYER</b>				
AFLAC assures you th	ial vou will be reimburged	without arrection for management	inii adunasa ta	yee who terminates after the premium
disagreements between	payroll deductions comme in your employees and or ere caused by misconduc	ence. AFLAC also agrees to ho or Company with respect to the	ld you harmless from any c coverage provided under o	yee who terminates arter the premium laims against you due to any our insurance policies Issued to your s or violations of your responsibilities
administration of emplo accordance with AFLA AFLAC (and its agents	Security Number, address byer's cafeteria (including C's then current privacy p i), assumes all flability in c	connection with the provision of	nd employees for AFLAC (#  A) plan and AFLAC products  and warrants that it is period and page  Such information, and page	cluding, but not limited to. and its agents) to use in the its and services and otherwise in mitted to provide such information to ses to indemnify and hold AFLAC (and it of such information to AFLAC (and
AFLAC is authorized to based on each product organization to AFLAC	LS UNIOHIWAKINTTIAMILIKAMI	ram to our officers and employ ents and that payments for suct	ees. I understand that all ar a coverage will be deducted	oplicants must qualify for coverage I from wages and remitted by my
serving as the plan adr plan under applicable is employer shall retain at AFLAC. The Plan Spor	enue Code (IAC). The en ninistrator or a plan fiduci aw. AFLAC shall have no Il responsibility and liabili asor/Administrator should	nployer acknowledges that neit ary under the plan. The employ power or authority to waive, all y for the plan, except as may o	her AFLAC nor its agents is rer shall be the sole party re ler, breach or modify any te therwise be specifically agr	fits Plan in accordance with Section of providing legal or tax advice nor asponsible for establishment of the times and conditions of the plan. The lead to in writing by an officer of langes to the plan. The Employer
Authorizing Officer's	s Name/Title /otopos note	O. M. Mr. O Ms. Roza	TO MADE	The state of the s
Authorizing Officer's	Signature: X	Ray not 41		0/15/02
				Date: 7/13/03
ASSOCIATE/AGE	<del></del>	,		
officer, director, owner or Accounts as defined in the account, I confirm that I y	relative of any of the forag le Key Account Manageme vill register any such account	oing (or otherwise a "party in inte oing for otherwise a "party in inte oil Procedures, the proper guideling of with Key Account Managemen	from persons in the account rest" as defined under ERISA nes will be followed to provid	
Associate Name:	CHN R	PHILLIPS		
Writing Number:	16285	Sit. Code:	Constitution A.	de: 16300
Phone Number: 95	6661-990	<u> </u>	Geographical Co	de: 76.100
	applicable): Broker Nan		10 1 - 7	
Broker Number:	-hhamman by minute (1911)			
Associate Signature:	( )chui b	Sib Cade:	Level:	9-15-23
	- Jerusia A	- I HULLER	Dote:	: 9-15-03
	0			

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CHANGE - TO INCLUDE DISABILITY

## **Payroll Account Acknowledgment**

All applicable sections must be completed for processing.

## INSTRUCTIONS

- ALL accounts must complete Section 9, the Authorization and Signatures section.
- Accounts establishing or modifying a Flex One<sup>®</sup> cafeteria plan must complete Section 5.
- Accounts with another carrier's cafeteria plan must complete Section 7.
- Fax completed form to 1-866-AFL-NASA (1-866-235-6272).

1. GENERAL ACCOUNT INFORMATION  One New Aflac Payroll Account  Changes to an Existing Aflac Payroll Account  Group Number: G × 37)  Split or Transferred Account	
Does this account have multiple locations, each requiring an invoice? ☐Yes ∰No	
Are there any existing policies to place on this account? EYES EIND (If yes, submit a list of the policies on a separate page with the Pay Account Acknowledgment to Aflac WWHQ.)  Name of Account:  SPANISH MEADOWS NILESING HOME.  Type of Business:  NULSING HOME  Tax ID No.: 20 - 0118715  Industry Classification (Contact SIG Team for correct classification.): DA DB DC VID DE SIC Record No.:  Affiliate/Subsidiary of (if applicable):  Master Account No.:  Mailing Address: 440 E. Ruben M. Torres BIVO.	roll 
city: Brownsville State: TX ZIP: 78	520
Location Address:   Check if same as malling address (P.O. box is not acceptable.).	
City: State: ZIP: Phone: 456 546 • 7378 Fax (if applicable): 4956 546 • 856 otal No. of Employees: 1.32  Total No. of 1099 Workers: Total No. of W-2 Employees: 133 Will 1099 workers be applying for coverage? Yes And If 1099 workers are applying for coverage, submit an exception request for payroll rates to WWHQ on Form IN-02-05 prior to writing the Account Web Site Address (if applicable):  Enrollment Period: Will the enrollment period exceed 90 days? Yes And If so, has this been approved by Sales Support? Yes Yes the length of the enrollment period? 30  Is there an established Affac New York account? Yes Yes Provide name and group number:	business.
What led your organization to begin offering Affac products to your employees? (Check all that apply.)  □ Employee/Member Request □ Benefit Package Improvement □ Benefit Advisor or Broker Recommendation  □ Sales Associate/Agent □ Commercial Advertising □ Affac Products Are a Good Value □ Other:  □ Please consult with employer's payroll contact to ensure accurate completion of next section.  American Family Life Assurance Company of Columbus (Affac)  Worldwide Headquarters • 1932 Wynnton Road • Columbus, Georgia 31999 • 1•300•99•AFLAC (1•800-992-3522)	
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CHIMNED - TO INCLUDE DISABILITY

Account Name: SPANISH MEADOWS NURSIN	
Tax ID: 20-0118715 Group No.: 6X.371 Writing No.	16285
2. BILLING INFORMATION	
2a. BILLING CONTACT INFORMATION	
NOTE: Aflac will contact the designated Billing Contact to review infor	mation.
All accounts with fewer than 1,000 employees will receive their invoice via Affa Billing account, you have the option of making payments and reconciling your account you can submit your invoice and payment electronically when due from the bank account may also choose to pay by mailing a check. Affac will not debit your account untinvoice for payment. Any adjustments or requested changes you submit electronical received and the transaction is complete.	int online. Once your account is established, count noted below. At that time, if you prefer,
Bank Routing No.: Account No.:	
Account Type: [	☐ Checking ☐ Savings
Contact for Billing Inquiries: I Mr. MMs. MABLE EZEQU	UEL
Billing Contact Phone: (956 546 - 7378 Ext.: Fax (	if applicable): (956 <u>546-8562</u> -
Billing Contact E-Mail (required):   Account does not have access to the Internet and/or internal processes prohibit u	se.
2b. BILLING FREQUENCIES	
Invoice Due Date: On what day of the month would you like your Aflac invoice	to be due (1 <sup>st</sup> or the 15 <sup>th</sup> )? <u>15</u>
How often would you like to receive your invoice from Aflac?	
☐ Monthly (Aflac will bill for the number of deductions made the previous month. Example: Deductions made January 1 <sup>st</sup> through the 31 <sup>st</sup> will be due in February.)	KEEP THE SAME
☐ 8-Month (8 Invoices)	
☐ 9-Month (9 Invoices) ☐10-Month (10 Invoices)	
For 8-, 9- or 10-month, Indicate months when no deductions will be made: ©Jan @Feb @Mar @Apr @May @Jun @Jul @Aug @Sep @Oct @Nov @Dec	
☐ Quarterly (4 involces) ☐ Semiannually (2 involces) ☐ Annually (1 involce)	
For Quarterly, Semiannually, and Annually, initial premiums must be submitted	with applications.
2c. BILLING FORMAT	,
☐ Check if account uses Social Security number for employee number.	
In what order would you like your employees listed on your bill?  (If more than one is checked, please number your choices according to priority.)	
EXAMPLE: to request a bill with employees listed alphabetically under their department number Alphabetic2 Ø Dept. No1 D Employee No.	rs, you would mark:

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Alphabetic \_\_\_ □ Department No. \_\_\_ □ Employee No. \_\_\_

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# CHANGE - TO INCLUDE DISABILITY

Account Name: SPANISH MEADOWS NURSING	HOME
Tax ID: 20-0118715 Group No.: G X 371 Writing No.: Y62	
3. DEDUCTION INFORMATION	
Employer Contributions: Does the employer pay any portion of this benefit? □Yes if yes, please provide percent:% OR flat dollar amount: \$	No
Based on the information provided in this section, Affac will determine the number of ded month (when the account selects monthly billing).	uction periods billed each
If you choose monthly billing frequency, indicate the number of payroli deductions made premiums. For all other billing frequencies, mark N/A: $\Box$ 52 $\Box$ 26 $\Box$ 24 $\Box$ 12 $\Box$ N/A	annually for insurance
Check if premiums are deducted at different frequencies for different employees (i.e., some exhibe others are deducted biweekly), and indicate the different frequencies that exist for the accomplications.	mployees are deducted weekly unt on separate M-0138
Initial Deduction: When will premium deductions begin? — ONGOING -	
Date of first deduction:	
The date of the first deduction should reflect the date the payroll account physically obtains fundanecessarily equal the pay date for the employees.	s from the employees. It does not
4. INFORMATION CONCERNING TAX STATUS OF DISABILITY INSURANCE BENE	FIT PAYMENTS
If disability coverage is funded by employer contributions, pre-tax employee contributions, or a condisability benefits an employee receives upon becoming disabled will be includible in the employee when paid. In addition, FICA taxes must be withheld and paid on all such benefits during the first Where, as noted below, coverage is funded by employer contributions or employee pre-tax contremployer of the amount of disability benefits paid, from which the employee's portion of FICA tax such taxes with the government as required by the Internal Revenue Code. The employer will be employer's portion of applicable FICA and FUTA taxes and report the benefit payments on employee's Form W-2.	se's income and are fully taxable six months after the disability. buttons, After will notify the es is withheid and will deposit
Employer authorizes disability coverage to be included as part of this agreement:	/ Maryes □ No.
Authorized disability coverage types: If Accident/Disability     Authorized riders:     DOff-the-job     If On-the-job	Off-the-job Sickness Lispouse
Will any portion of disability premiums be funded by employer contributions?	□ Yes MNo
If yes, please provide percent:% OR flat dollar amount: \$  Percent or dollar amount must be a whole number, such as "50%" or "310."	, , , , , , , , , , , , , , , , , , ,
Will any portion of disability premiums be funded by pre-tax employee contributions?	🗆 Yes 💆 No
This employer is a government employer exempt from FICA or exempt from a portion of i	TCA. □Yes polino
Employees of this employer are eligible for RRTA (Railroad Retirement Tax).	□Yes ⊠ No
NOTE: Disability caused by or under certain circumstances will not be covered. Refer to each policy to determine specific co.	rerage, exclusions, and limitations.
Please consult with employer's cafeteria plan contact to ensure accurate con	pletion of next section.

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Account Name: SPANISH MEADOWS NURSING HOME Tax ID: 20-0118715 Group No.: GX 371 Writing No.: Y6285	· · · · · · · · · · · · · · · · · · ·
5. FLEX ONE® CAFETERIA PLAN: ☐New Flex One Plan ☐Flex One Plan Change Request☐Requesting Additional Payroll Account Number for Existing Flex Plan/Company Name:	
Plan Type: What type of Flex One Plan will this be? (Flexible Spending Account = FSA)	
☐ Premium Only - no FSAs ☐Self-Administered - has FSAs; employer processes FSA claims ☐ Full - has FSAs; Flex One processes FSA	claims
Plan Year: What are the dates of this plan? Plan Start Date:/ Plan End Date:/	
Plan Sponsor/Legal Representative: List the plan sponsor and legal representative for this cafeteria plan.  Plan Sponsor/Principal Contact:	
Phone: 956 546 - 7378 Fax: 1956 - 546 - 8562	
Legal Representative's Name/Title:	<del></del>
Is this a leasing company or Professional Employee Organization (PEO)? ☐ Yes ☐ No	
Business Type: A Corporation 🖸 Sub S Corporation 🖸 Partnership 🖂 Sole Proprietorship 🗘 Other	
Eligibility: Indicate eligibility criteria (e.g., eligibility dates, exceptions) for your cafeteria plan.	
Employees shall become eligible: Immediately upon the first day of employment	
All employees shall be eligible under the plan except:	
Cafeteria Plan Benefits: (To add, account must be qualified under Section 106 of the Internal Revenue Code.)  Clock plans to add:  Medical Disponstrum Disability Vision Care Dental Den	unt Idemnity
Affiliated Companies: List the names and tax ID numbers of all affiliated companies adopting this plan.  Company Name  Tax Identification Numbers	
Tax identification Atmit	er
· · · · · · · · · · · · · · · · · · ·	
6. FLEXIBLE SPENDING ACCOUNT (FSA) INFORMATION (not applicable to Premium-Only Plans)	*
FSA Type: Which types of FSAs will be included in this cafeteria plan? (Complete for both self-administered and full plans.)  □ Section 105: unrelimbursed medical expense annual maximum per participant requested by employer; \$  Will a Grace Period be offered for Section 105? □ Yes □ No  □ Section 129: dependent child care annual maximum per participant cannot exceed \$5,000 by law.	
Complete account type only if Full Plan is selected in Section 5. Account Type: If you selected the Flex One option, you must establish an account from which Flex One will draw funds for a payments.	
☐ Local Account: You establish a local bank account against which Flex One is authorized to write checks for the sole purpose of p participant claims. With this option, reimbursements can be issued within 2–3 business days.  ☐ ACH Debit: You authorize Flex One to initiate funds transfers from a specified bank account for the sole purpose of paying particip	
With this option, reimbursements can be issued within 5–7 business days.  El CB&T Account: You establish an account at Columbus Bank & Trust against which Flex One is authorized to write checks for the of paying participant claims. With this option, reimbursements can be issued within 10–14 business days.	sole purpos
☐ Wire: Upon notification by Flex One, you wire funds for the amount of reimbursement payments to Flex One for distribution to particle one is authorized to write checks and to initiate direct deposits to particle on the sole purpose of paying claims. With this option, reimbursements can be issued within 8–10 business days.* ☐ Check: Upon notification by Flex One, you mail a check for the amount of reimbursement payments to Flex One for distribution to proceed the sole purpose of paying claims. With this option is authorized to write checks and to initiate direct deposits to participants for the sole purpose of paying claims. With this option	nasticinente
reimbursements can be issued within 14–21 days.*  Li Self-Pay: Upon notification by Flex One, you issue reimbursement checks to participants. Reimbursements are issued according to frame because you are responsible for disbursement. Direct Deposit is not available through Flex One with this payment option.	

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Denise Phillips

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*Please note that the time frame for the issupayment amounts.  Please consult with  7. OTHER CARRIER'S (not					ıse time for fundir
	employer's caf	eteria pian contac			
7. OTHER CARRIER'S (not		•	t to ensure accurate	completion of next seci	lion.
	FLEX ONE®) C	AFETERIA PLA	N INFORMATION	- N/A	
Current plan year dates required:			through	_//	<del></del>
if short plan year, renewal dates req	uired:	111	through	////	
☐ Authorization to Add Benefits &	did-Year (Complet	e ONLY if adding be	nefits to a non-Flex Or	e cafeteria plan at mid-yea	ır.)
Effective Start Date of Additional Be	nefits:/	'//	Effective End Date: _		
Benefits (check new benefits to be a		•			
☐ Medical ☐ Long-Term Disability ☐ Cancer ☐ Hospital Indemnity ☐ Accident	✓ □ Vision Care □ Intensive Care	☐ Dental ☐ Group Term Lit	Short-Term Disable Dispectified Health I	ility	count indemnity
8. ASSOCIATE/AGENT					
I acknowledge that Aflac has the sole a reassign any account for servicing and director, owner, or relative of any of the defined in the Key Account Manageme that I will register any such account with of the enrollment. I understand that I ar	designate who may coregoing (or other) ont Procedures, the p h Key Account Mana	solicit applications from Mse a "perty in interest Proper guidelines will be Dement recardless of	n persons in the account. " as defined under ERISA e followed to provide the m whather I use their assista	confirm that I am not an emplo I acknowledge that, for Key A nost efficient service to the acco	oyee, officer, Accounts as
Associate's/Agent's Signature	CIRKY LV			Date:	
Associate's/Agent's Name:	JOH	NPHILL	$p_{\mathcal{S}}$		
Writing Number:	<u> </u>	Sit. Code:(	) Geographi	cal Code: 16300	İ
Phone Number: $956 316 -$	-0700	Fax Number: ( C	756 316 -	0022	<del></del>
Broker's Name (if applicable):	-11/				
	k	<del></del>		el:	

Aflac assures you that you will be reimbursed without question for premium you advance for any employee who terminates after the premium is remitted but before payroll deductions commence. Aflac also agrees to hold you harmless from any claims against you due to any disagreements between your employees and our company with respect to the coverage provided under our insurance policies issued to your employees except where caused by misconduct or negligence committed by you or any of your employees or violations of your responsibilities under state or federal laws.

The employer agrees to provide Affac (and its agents) with certain personally identifiable information (including, but not limited to, compensation, Social Security numbers, addresses, etc.) regarding its officers and employees for Aflac (and its agents) to use in the administration of employer's cafeteria (including health and dependent care FSA) plan and Aflac products and services.

Aflac is authorized to offer this insurance program to our officers and employees. I understand that all applicants must qualify for coverage based on each product's underwriting requirements and that payments for such coverage will be deducted from wages and remitted by my organization to Aflac.

Di Check if Establishing Flex One Account: The employer plans to establish/amend a flexible benefits plan in accordance with Section 125 of the internal Revenue Code. The employer acknowledges that neither Affac nor its agents are providing legal or tax advice, nor serving as the plan administrator or a plan flduciary under the plan. The employer shall be the sole party responsible for establishment of the plan under applicable law. Aflac shall have no power or authority to waive, alter, breach, or modify any terms and conditions of the plan. The employer shall retain all responsibility and flability for the plan, except as may otherwise be specifically agreed to in writing by an officer of Affac. The plan sponsor/administrator should consult its own tax advisor regarding the plan and any changes to the plan. The employer acknowledges receipt of the Summary of Plan Sponsor Responsibilities and agrees to fulfill its responsibilities as stated therein.

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## Case 1:16-cv-00049 Document 26-1 Filed in TXSD on 02/06/17 Page 16 of 37

Nov 22 06 10:04a

Denise Phillips

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Account Name: SPANISH MEADOWS	NUESING HOME
Tax ID: <u>AD-01187/5</u> Group No.: <u>GX37/</u>	Writing No.:
Authorizing Officer's Name/Title (please print): D Mr. D Ms.	IABLE EZEQUIEL
Authorizing Officer's Name/Title (please print):   Mr. D. Ms.   Authorizing Officer's Signature:   May Difference of the control of the contr	el Date:

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Account Name: SPHNSH MEHDONS NIURSING HOME  Tax ID: 80-01787/5 Group No.: 6X37/ Writing No.: 16385				- A species	
	LAccount Name: SPHAICH	$MHHDOMS$ $\Lambda$	IIIN SANZ	LLOVATE	
	DA ATTON				
Tax ID: MA-D// X // 6 Group No - AX 3/// Multipa No - V/2 Q V C	Tax ID: /メルール// X'// 5' Group	No GX 377	Miriting No.	100C	
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AFFILIATE NAME	TAX ID	AFFILIATE NAME	TAX ID
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ID: 20-0/12	X/// Crown No			
	ZZZZZ Group W	o.: <u> </u>	Writing No.:	Y6285
				A STATE OF THE STA
C	roup Ch	and Tana	. M:L:::	
G	noup 31	iort-Term	ı Disabili	ty Insurance
Number of El	igible Employees at 0	Company:	Participation :	Requirements (%):
(A minimum	of 30 percent partic	ipation is required for	Participation or all eligible employs	98s.)
Guaranteec	l-issue Only:			
Benefit Amo			1 \$	
	Period (Injury/Sicknes	ss)		A STATE OF THE STA
Benefit Perio	od			
Simplified-I	ssue Only:			
Benefit Amo		to the second se	\$	
	Period (Injury/Sicknes	is)		
Benefit Perio	od			
Dental Requ		,		······································
Dental Plan S	tart Date:	/		
Dental Plan S	top Date:	1	Name and the law of th	
Number of Eli	gible Employees for C	Dental at Company:	Particip	ation Requirements:
Long-Term	Care Requirement	<b>*</b>		
Long-Term Ca	ıre Plan Start Date: _		//	
Long-Term Ca	re Plan Stop Date: _	//		
Revised Per	sonal Short-Term	Disability		
Exempt from 9	Standard Salary Incor	ne Chart:		
Accident/Dis	sability Revised In	come Replacemen	it	

M-0138

Exempt from Standard Salary Income Chart:\_

PH649976

Caller Name	Tracking Number	Call Date/Time	PH649976	Call Destinations Description Call Reasons Description	Tracking Status	Supervisor Full Name	Employee Work Phone Number	Employee Job Title	Employee Enumber	Desk Code	Closed Date	State	Policy Number	Insured Name	Caller Type Description	Caller Phone Number	Caller Name	Tracking Number	Call Date/Time
Murillo, Ana L/	G12J8N5	6/17/2015 6:21:48 PM		Call Center POLICY STATUS	Processed	Adams,Ritia Maria	402/392-4999	Customer Service Spec III	E09985	KES	01/28/2008	X	PH649976	MURILLO, ANA	Claims	956/831-0857	ANA N MURILLO	W7B4Q27	1/28/2008 2:09:48 PM



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Caller Phone Number

Caller Type Description

956/404-3068

Insured Name	MURILLO, ANA
Policy Number	PH649976
State	TX
Closed Date	06/17/2015
Desk Code	A14
Employee Enumber	E14503
Employee Job Title	Customer Service Specialist I
Employee Work Phone Number	
Supervisor Full Name	Michalak,Corinne E
Tracking Status	Processed
Call Destinations Description	Call Center
PH649976	
Call Date/Time	6/17/2015 6:32:08 PM
Tracking Number	G12J8PA
Caller Name	Murillo, Ana L/Self
Caller Phone Number	956/404-3068
Caller Type Description	Policy
Insured Name	MURILLO, ANA
Policy Number	PH649976
State	TX
Closed Date	06/17/2015
Desk Code	JCN

PH649976

Call Destinations Description
Call Reasons Description

Processed Call Center Murphy Swift, Mary Therese

402/392-4999

Customer Service Spec III

Supervisor Full Name

racking Status

Employee Work Phone Number

Employee Enumber
Employee Job Title

Call Destinations Description Call Reasons Description	Tracking Status	Supervisor Full Name	Employee Work Phone Number	Employee Job Title	Employee Enumber	Desk Code	Closed Date	State	Policy Number	Insured Name	Caller Type Description	Caller Phone Number	Caller Name	Tracking Number	Call Date/Time
Call Center	Processed	Thomas, Veronica	706/596-3196	Customer Service Specialist IV	E09941	HBL	06/17/2015	TX	PH649976	MURILLO, ANA	Policy	956/404-3068	Murillo, Ana L/Self	H12JY12	6/17/2015 10:42:14 AM

Call Date/Time	7/30/2015 2:06:32 PM
	KO2V87II

Call Reasons Description	Call Destinations Description	Tracking Status	Supervisor Full Name	Employee Work Phone Number	Employee Job Title	Employee Enumber	Desk Code	Closed Date	State	Policy Number	Insured Name	Caller Type Description	Caller Phone Number	Caller Name	Tracking Number	Gall Date/Time
	Call Center	Processed	Bray,Rhona Latashia		Customer Service Specialist II	E14996	AU7	07/01/2015	XT	PH649976	MURILLO, ANA	Policy	956/404-3068	Murillo, Ana L/Self	F12TZQC	7/1/2015 3:00:26 PM

Caller Name	Murillo, Ana L/Self
Caller Phone Number	956/404-3068
Caller Type Description	Policy
Insured Name	MURILLO, ANA
Policy Number	PH649976
State	TX
Closed Date	07/30/2015
Desk Code	KGU
Employee Enumber	E11217
Employee Job Title	Customer Service Spec III
Employee Work Phone Number	402/392-4999
Supervisor Full Name	Murphy Swift, Mary Therese
Tracking Status	Processed
Call Destinations Description Call Reasons Description	Call Center

Call Comments

Call Comments

PURPOSE: SUMMARY: VP ADV INS THIS IS AN ACCIDENT POL THAT PAYS FOR ACCIDENT RELATED INCIDENTS..ADV GALBLADDER SURGERY..RAT

E-NUMBER:E07749 TIME:5:23 PM DATE:6/17/2015

DATE:6/17/2015

TIME:5:16 PM

DESK:AI4 E-NUMBER:E14503

VP:Y

NAME:Murillo, Ana L

ADDRESS:5331 Amatista Dr, Brownsville, TX 78521-6013

- PolicyNumber; Name; Date of Birth;

Advised caller about: LOB (Accident), Effective Date (10/01/2006) 

NAME:Murillo, Ana L

DESK:JCN

VP:Y

ADDRESS:5331 Amatista Dr, Brownsville, TX 78521-6013

- PolicyNumber; Name; Date of Birth;

(10/01/2006), Number (PH649976), Policy Mode Premium (\$28.70) Advised caller about: LOB (Accident), File (Lapsed), Effective Date

Call Comments

DATE:6/17/2015

TIME:10:28 AM

E-NUMBER:E09941

DESK:J5H VP:Y

NAME:Murillo, Ana L

ADDRESS:5331 Amatista Dr, Brownsville, TX 78521-6013

- SSN;

Updated CIF record: Lang: "E" --> "S", Email: "" -->

"luismiguelalba@hotmail.com"

Call Comments

DATE:7/1/2015 TIME:2:58 PM

E-NUMBER:E14996

VP:Y

DESK:AU7

NAME:Murillo, Ana L

ADDRESS:5331 Amatista Dr, Brownsville, TX 78521-6013

- SSN;

Other comments: adv clm rec 062915, allow add time for rev

Adv goal for review time for clms is 4 business days

DATE:7/30/2015

E-NUMBER:E11217 TIME:1:01 PM

DESK:KGU NAME:Murillo, Ana L

VP:Y

ADDRESS:5331 Amatista Dr.Brownsville, TX 78521-6013

-SSN;

Advised caller about: Number (PH649976), LOB (Accident), Coverage (Individual), Effective Date (10/01/2006)

# PW960794

Caller Phone Number	Caller Name	Tracking Number	Call Date/Time	PW960794	Call Reasons Description	Call Destinations Description	Tracking Status	Supervisor Full Name	Employee Work Phone Number	Employee Job Title	Employee Enumber	Desk Code	Closed Date	State	Policy Number	Insured Name	Caller Type Description	Galler Phone Number	Galler Name	Tracking Number	Call Date/Time
956/404-3068	Murillo, Ana L/	G12J8N5	6/17/2015 6:21:48 PM			Call Center	Processed	Rowe, Judith A.		Customer Service Specialist II	E79853	ADR	06/17/2015	X	PW960794	MURILLO, ANA	Policy	956/404-3068	Murillo, Ana L/Self	G12J2WX	6/17/2015 10:28:54 AM



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PW960794	
Call Date/Time	6/17/2015 6:32:08 PM
Tracking Number	G12J8PA
Caller Name	Murillo, Ana L/Self
Caller Phone Number	956/404-3068
Caller Type Description	Policy
Insured Name	MURILLO, ANA
Policy Number	PW960794
State	XX
Closed Date	06/17/2015
Desk Code	JCN
Employee Enumber	E07749

State  Closed Date  Desk Code  Employee Enumber  Employee Job Title  Employee Work Phone Number  Supervisor Full Name  Tracking Status  Call Destinations Description  Call Center	Caller Type Description Insured Name	Policy MURILLO, ANA
e Number cription	Policy Number State	PW960794 TX
e Number	Closed Date	06/17/2015
e Number cription	Desk Code	AI4
e Number cription	Employee Enumber	E14503
e Number cription	Employee Job Title	Customer Service Specialist II
cription	Employee Work Phone Number	
	Supervisor Full Name	Michalak,Corinne E
	Tracking Status	Processed
	Call Destinations Description	Call Center

# Case 1:16-cv-00049 Document 26-1 Filed in TXSD on 02/06/17 Page 31 of 37 620003

Call Destinations Description
Call Reasons Description

Processed Call Center Murphy Swift, Mary Therese

402/392-4999

Customer Service Spec III

Supervisor Full Name

Tracking Status

**Employee Work Phone Number** 

Employee Job Title

PW960794	
Call Date/Time	6/17/2015 10:42:14 AM
Tracking Number	H12JY12
Caller Name	Murillo, Ana L/Self
Caller Phone Number	956/404-3068
Caller Type Description	Policy
Insured Name	MURILLO, ANA
Policy Number	PW960794
State	TX
Closed Date	06/17/2015
Desk Code	J5H
Employee Enumber	E09941
Employee Job Title	Customer Service Specialist IV
Employee Work Phone Number	706/596-3196
Supervisor Full Name	Thomas, Veronica
Tracking Status	Processed
Call Destinations Description	Call Center
Call Reasons Description	

PW960794	
Call Date/Time	7/30/2015 2:06:32 PM
Tracking Number	K02V87U
Caller Name	Murillo, Ana L/Self
Caller Phone Number	956/404-3068
Caller Type Description	Policy
Insured Name	MURILLO, ANA
Policy Number	PW960794
State	X
Closed Date	07/30/2015
Desk Code	KGU
Employee Enumber	E11217
Employee Job Title	Customer Service Spec III
Employee Work Phone Number	402/392-4999
Supervisor Full Name	Murphy Swift, Mary Therese
Tracking Status	Processed
Call Destinations Description	Call Center
Call Reasons Description	

DATE-6/17/2015

Other comments: Transferred to 08668

DESK:ADR VP:Y

E-NUMBER:E79853

TIME:10:28 AM

NAME:Murillo, Ana L

ADDRESS:5331 Amatista Dr, Brownsville, TX 78521-6013

DATE:6/17/2015

Call Comments

# Case 1:16-cv-00049 Document 26-1 Filed in TXSD on 02/06/17 Page 34 of 37

E-NUMBER:E14503

DESK:AI4

VP:Y

באור.טוווולטוט

TIME:5:16 PM

AFLAC00082

NAME:Murillo, Ana L

ADDRESS:5331 Amatista Dr, Brownsville, TX 78521-6013

DESK:JCN

VP:Y

E-NUMBER:E07749

TIME:5:23 PM

DATE:6/17/2015

Call Comments

Other comments: t2 adv ph pol lapsed

PolicyNumber; Name; Date of Birth;

ADDRESS:5331 Amatista Dr, Brownsville, TX 78521-6013

NAME:Murillo, Ana L

# Case 1:16-cv-00049 Document 26-1 Filed in TXSD on 02/06/17 Page 35 of 37

**AFLAC00083** 

Advised caller about: LOB (Ordinary Life), File (Lapsed)

- PolicyNumber; Name; Date of Birth;

Gall Comments

DATE:6/17/2015

TIME:10:28 AM

E-NUMBER:E09941

DESK:J5H VP:Y

NAME:Murillo, Ana L

ADDRESS:5331 Amatista Dr, Brownsville, TX 78521-6013

Updated CIF record: Lang: "E" --> "S", Email: "" --> "luismiguelalba@hotmail.com"

\*\*\*\*\*\*\*\*\*\*\*\* HIPAA INFORMATION \*\*\*\*\*\*\*\*\*\*

Call Comments

DATE:7/30/2015 TIME:1:01 PM

E-NUMBER:E11217
DESK:KGU

K:KGU VP:Y

NAME:Murillo, Ana L

ADDRESS:5331 Amatista Dr, Brownsville, TX 78521-6013

- SSN;

Advised caller about: LOB (Ordinary Life), Effective Date (10/01/2010)

July 22, 2015

Ana Murillo 5331 Amatista Dr Brownsville TX 78521

RE:

Policy No.:

PW960794 - 20-Year Term Life Policy

Deceased:

Jose Luis Murillo

Relationship:

Husband

Date of death:

September 2009

Dear Ms. Murillo:

Please accept our sincere sympathy in the loss of Jose Luis Murillo.

Our records indicate this policy was issued providing individual coverage on you, Ana Murillo, only. The application did not indicate a request for spouse coverage, nor were we able to locate a request for the addition of spouse coverage. Based on the terms of this policy, no benefits are payable. If you have any information to the contrary, please submit it to our office for review. We reserve the right to further investigate this claim under all applicable policy provisions.

If you need our help or if you have any questions, please visit afiac.com or call us toll-free at 1-800-99-AFLAC (1-800-992-3522). Our customer service representatives are here to assist you Monday through Friday from 8 a.m. to 8 p.m. Eastern time.

Sincerely,

Taneshia Lawrence Aflac Claims Department